

DIST/OFFICE	DOCKET		FILING DATE			J	N/S	O	R	H 23	\$	OTHER	JUDGE NUMBER	JURY DEM.	DOCKET YR. NUM
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PLAINTIFFS

Marrs, David

DEFENDANTS

Lake Country Beverage, Inc.
an Oklahoma corporation

CAUSE

Secs. 15A-2 and 15A-5 of the Fair Labor Standards Act of 1938.

ATTORNEYS

Robert L. Mason
704 Beacon Bldg.
Tulsa, Oklahoma 74103
583-1104

David M. Thornton
Thornton, Wagner & Thornton
1111 Mid-Continent Bldg.
Tulsa, Oklahoma 74103
587-2544

☐ CHECK
HERE
IF CASE WAS
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FILING FEES PAID

DATE

RECEIPT NUMBER

C.D. NUMBER

STATISTICAL CARDS

CARD DATE MAILED

JS-5 12-1

JS-6 2-1-79

DATE	NR.	PROCEEDINGS
<u>1975</u>		
Nov. 7	1.	COMPLAINT filed, SUMMONS issued.jj
11-25		Return on USM service, complaint, filed. Served Leo Framel, Jr. at Lake Country Beverage, Inc., on 11-20-75 at Tulsa, OK w/ fees of \$6.84.k
12-8	2.	Deft. Appl. for Ext. of Time to Respond to Compl., filed.tc
12-8	3.	Deft's. Ord. for Ext. of Time to Respond to Compl., filed.tc
12-24	4.	Deft's Appl. for Ext. of Time to Respond to Complaint for an additional 10 days from previous deadline, filed. lm (o to J)
12-29	5	Ordered that the time within which said deft. is to respond to compl. hereby is extended an additional 10 days from and after 12/24/75, filed.(AEB-J)tc cps. mld.
<u>1976</u>		
1-5	6	Deft's. Mot. to Extend Time for Deft. To Respond to Compl., filed.tc O-J
1-8	7.	Order, filed, granting deft. add. 10 days from 1-5-76 in which to file response to complaint. (AEB-J)ph cps. mld.
1-15-76	8.	Deft. Answer, filed.tc
1-19-76	9.	Notice to take Depo. upon oral examination, filed.tc
1-22	--	Return on U.S. Marshals Service, Subpoenae, filed. Served David Marrs in Broken Arrow on 1-20-76 w/fees of \$12.18. Served Wm. G. Huggard in Tulsa on 1-21-76 w/fees of \$2.48. Served Bernard T. Herrmann in Tulsa on 1-22-76 w/fees of \$4.40. v
1-23	MO:	Parties are directed to hold PT conf. on or before 3-5-76 & file PT Order on or before 3-12-76. (AEB-J)ph cps by cert ml
2-9		Dep. of Bernard T. Herrmann, Jr. on behalf of deft. 1-27-76 before Evelyn Rutherford CSR. Fee of \$54.00 pd. by deft., filed.jj
2-9		Dep. of David Marrs on behalf of deft. on 1-27-76 before Evelyn Rutherford, CSR. Fee of \$114.00 pd. by deft.jj
2-18		Deposition of William G. Huggard, taken on behalf of deft. on 1-27-76 before Evelyn E. Rutherford, CSR, w/ fees of \$58.50, filed.k
2-26	10.	Notice to take depositions upon oral examination, filed. hm
3-10	11.	Deft's mo/ext. of time to file proposed PT order, filed. hm
3-12	12.	Order, filed, that parties are granted until 3-31-76 to file their proposed pre-trial order. (AEB-J)v -cps. mld.
3-31	13	Mot. for Ext. of Time to File Proposed Pretrial Ord., filed. O-J t
3-31	14	Order, filed, granting parties til 4-15-76 to file PT Order. (JCS-Clk)k
4-6	15.	Mtn. for Order to Compel Pltf. to Disclose its Witnesses, filed.jj
4-6	MO:	It is ordered by the court that pltf. is granted 10 days to respond to deft's Mtn. for Order to Compel Pltf. to Disclose its Witnesses, (AEB-J)jj ltr. mld.
4-9	16.	Pltf's mo. for order to compel deft. to disclose instruments, filed.ph
4-12	MO	It is ordered by the Court that deft. is granted 10 days to respond to Pltf's motion for Order to compel deft. to disclose instruments. (AEB-J)k
4-15	17	Motion for Ext. of Time to File Proposed Pretrial Order, filed.t O-J
4-16	18.	Pltf's response to deft's mot. to compel disclosure of witnesses, fld.k
4-16	19.	Deft.'s motion for protective order, filed.k

CIVIL DOCKET CONTINUATION SHEET

PLAINTIFF		DEFENDANT	DOCKET NO. _____
David Marrs		Lake Country Beverage, Inc.	PAGE ____ OF ____ PAGES
DATE	NR.	PROCEEDINGS	
1976			
4-19	MO:	The Court has for consideration the motion for extension of time to file pre-trial order filed by the defendant, & noting that the plaintiff joins in and consents to this motion, IT IS ORDERED that said motion be and the same is hereby granted and the parties are granted until May 31, 1976, to file pre-trial order.(AEB-J)b ltr mld	
4-20	MO	It is ordered by the Court that the Plaintiff is granted ten (10) days to respond to deft's motion for protective order. (AEB-J)k cps mld	
4-20	MO	Case referred to Magistrate Morris L. Bradford for F&R on pending discovery motions. (AEB-J)k	
4-26		Depo, filed of Doyle Edgmon taken before Richard Courtemanche, LSR on the 17th day of March.t	
5-5	20	Pltf's Response to Mot. for Protective Order, filed.t	
5-20	MO	Case set for hrg. before Mag. on pending discovery motions on 6-23-76 at 10:00 a.m. (MLB-Mag)k ntc by KT	
6-1	21	Pltf's. motion for extension of time to file PT order, filed.s 0 to J	
6-3	22	Order, filed, extending time to file PT Order to 7-15-76. (AEB-J)k cps mld	
6-9	MO	Mag. hrg. set for 6-23-76 at 10:00 a.m. is hereby stricken, to be re-set by Mag. (MLB-Mag)k ntc by KT	
7-14	MO	Case set for hrg. on pending mots. on 8-11-76 at 10:00 a.m. before Mag. Bradford. (MLB-Mag)k cps by KT	
7-15	23.	Mot. of Pltf. for ext. of time to file proposed pretrial order, fld. v (o)	
7-16	24	Order, filed, ext. time to file PPT order to 9-15-76. (AEB-J)g cp mld	
8-11		Case called for hearing on Pltf's & Deft's motions. On request of the parties, hearing passed to next motion docket.(MLB-Mag) b	
8-18	MO	Case set for hrg. on pending mots. before Mag. Bradford on 9-15-76 at 10:00 a.m. (MLB-Mag)k ntc by KT	
9-15	MO	Case called for hrg. before Mag. on pending mots. Parties represented. Deft's mot. for protective order sustained & mot. to compel pltf to disclose instruments overruled as moot. Pltf's mot. to compel deft. to disclose instruments sustained in part & overruled in part. Deft. counsel to prepare F&R & Proposed Order w/in 5 days. (MLB-Mag)k	
9-29	25	Deft's notice to take deposition upon oral examination of Keith Hisley, Weleetka, Okla, on 10-13-76, filed.s	
10-5	26	Findings and Recommendations of Magistrate, filed.s (MLB-Mag) cps. mld.	
10-19	27.	Order, filed, that deft's mot. to disclose witnesses should be denied, that pltf's mot. for production of instruments is granted to the extent that pltf. is entitled to have deft. produce the following records of the Muskogee, Okla. plant of deft. from 11-7-73	

Continued

PLAINTIFF		DEFENDANT	DOCKET NO. _____
Marrs, David		Lake Country Beverage Inc.	PAGE ____ OF ____ PAGES
DATE	NR.	PROCEEDINGS	
1976		thru June 1974, to wit:	
		1. All daily sales records including but not limited to load-in and load-out sheets and settlement sheets of outside salesmen;	
		2. All monthly sales records of outside salesmen;	
		3. All promotional sales records; and	
		4. All of the payroll records of the Muskogee, Okla. plant of deft. from 9-9-73 through June, 1974.s (AEB-J) cps. mld.	
11-28		Dep. of Keith Hisely, taken on behalf of deft. on 10-13-76 before Evelyn E. Rutherford, CSR, filed. (\$52.50)lm	
<u>1977</u>			
1-13	MO	Parties are directed to hold PT conf. on or before 2-25-77 & file PT Order on or before 3-4-77. (AEB-J)k cps mld	
2-8	MO	The parties having agreed to submit this litigation to the Court upon statement of facts of each litigant's position and briefs in support thereof, IT IS ORDERED that the plaintiff submit his statement of facts and evidence relied on accompanied by a brf. in support of his position within 45 days from 2-9-77; deft. to submit its statement of facts and evidence relied on accompanied by a brief in support of its position 30 days thereafter; plaintiff to have 20 days after deft's submission to file rebuttal and deft. to have 20 days after pltf's rebuttal, if any, to file any additional briefs and facts.s (AEB-J) cps. mld.	
3-24	28.	Plaintiff's admissions and stipulations, filed.k	
4-25	29.	Deft's appl. for time til 5-10-77 to file statement of facts & evidence & brief in support thereof, filed.k O to J	
4-26	MO	The Court has for consideration the mot. for ext. of time filed by the deft., and, being fully advised in the premises, finds that the same should be sustained. IT IS, THEREFORE, ORDERED that deft's mot. for ext of time to file statement of facts and evidence and brief in support thereof is granted and deft. is granted til 5-10-77. (AEB-J)k cps mld	
5-10	30.	Motion of Deft. for Ext./Time to File Statement of Facts & Evidence & Brief in Support Thereof, filed. njb (O to J)	
5-24	31	Order, fld. granting Deft. an ext. of time until 5-25-77 to file Statement of Facts & Evidence and Brief in supp. (AEB-J) cps mld. ho	
5-25	32	Deft. mot. for ext. of time to file statement of facts & evidence and brief in supp. thereof. fld. ho O to J by atty.	
5-26	33	Order, fld. granting Deft. an ext. of time to 6-4-77 to file its Statement fo Facts and Evidence and Brief in supp. (AEB-J) cps mld. ho	
6-7	34	Deft. response to Pltf. admissions and stipulations; Defts. Mot. for dismissal & Defts. memorandum brief. fld. ho	
6-8	35.	Pltf's mo. to strike Exhs. A-K, filed. lm	
6-8	36	Pltf's brief in support of motion to strike, filed. lm	
6-8	MO	Ordered by the Court that deft is granted ten days from this date to file a response to pltf's mo to strike. (AEB-J)lm ltrs mld.	
6-14	37	Deft. mot. for order allowing Deft. to Substitute pages, in his response to Pltf. admissions & stipulations. fld. ho will bring in O	
6-14	38	Order, filed, allowing deft. to substitute corrected pages 8, 19 and 37 in deft's original response to pltf's admissions and stipulations filed 6-7-77. (AEB-J)k cps mld & pages substituted	

CONTINUED

CIVIL DOCKET CONTINUATION SHEET

PLAINTIFF		DEFENDANT	DOCKET NO. 75-C-512-B
DAVID MARRS		LAKE COUNTRY BEVERAGE, INC.	PAGE 5 OF 3 sheets xxx
DATE	NR.	PROCEEDINGS	
1977			
6-20	39	Deft's motion to deny pltf's mot. to strike deft's exhibits A through K, filed.k	
6-20	40	Deft's brief in support of mot. to deny pltf's mot. to strike deft's exhibits A through K, filed, with affidavit of Leo V. Framel.k	
7-28	MO	Case referred to Mag. Robert S. Rizley for findings and recommendations on pending motions. (AEB-J) rla	
8-9	MO:	Case set for hearing on pending motions before Mag. Rizley on 8-26-77, at 4:00 P.M. (RSR-Mag) b nts by KT	
8-15	MO	By stipulation of the parties, hrg. on mots. before the Mag. on 8-26-77 at 4:00 p.m. is stricken, to be reset on 9-23-77. (RSR-Mag)k ntc by KT	
9-12	MO:	Case set for hearing on pltf's motion to strike exhibits a through K of Deft's answer brief, on 9-22-77, at 9:30 A.M., before Magistrate Rbt. Rizley. (RSR-Mag)b nts mld	
9-14	MO	By agreement of the parties, hrg. on pltf's mot. to strike Exhibits A through K of deft's answer brief set for hrg. before the Mag. on 9-22-77 at 9:30 a.m. is stricken and reset on 9-23-77 at 10:00 a.m. (RSR-Mag)k ntc by KT	
9- 22		Case called for hearing on pltf's motion to strike exhibits A thru k of deft's answer brief. Parties present. Motion sustained provided that deft. is granted 30 days to take depositions or other discovery & substitute such evidence for Exhibits A thru K in support of deft's case. Pltf. granted 30 days thereafter to conduct discovery to rebut deft's evidence. Deft. to prepare F & R of Mag in 10 days. (RSR-Mag)b	
10-14	41.	Findings and Recommendations of Magistrate, fld. (RSR-Mag)v (o)	
10-26	42.	Order, filed, that pltf's mot. to strike is sustained, provided that deft. be permitted to file depositions or other admissible evidence covering the info. contained in Exhibits A through K w/in 30 days of this date. (AEB-J)k cps mld	
11-16		Depo. of Bill Lowery, & Gary Schoenhals taken on behalf of the Deft. on 10-31-77 before Evelyn E. Rutherford, CSR w/fees of \$82.50 pd. by Deft. fld. ho	
11-16		Depo. of Jim Williams & Leo V. Framel, Jr. taken on behalf of the Deft. before Evelyn E. Rutherford, CSR on 10-31-77 w/fees of \$121.50 pd. by Deft. fld. ho	
12-1		Depo. of Keith Hisely taken on behalf of the Deft. on 10-31-77 in Tulsa before Evelyn E. Rutherford, CSR. w/fees of \$30.00 pd. by Deft. fld. ho	
12-13	MO	Parties are directed to hold a pre-trial conf. on or before 1-24-78 & file an agreed pre-trial order on or before 1-31-78. (AEB-J)k mld	
1978			
1-27	MO	Case referred to Mag. Robert S. Rizley pursuant to Order M-128 for pre-trial. (AEB-J)k	
2-2	MO	Case set for pre-trial conf. before the Mag. on 2-10-78 at 2:00 p.m. (RSR-Mag)k ntc by KT	
2-10	MO	Pre-trial conf. set before Mag. at 2:00 p.m. is passed to 3-6-78 at 2:00 p.m. (RSR-Mag)k ntc by phone	
2-21	--	Deposition of David Marrs, taken by the pltf., before Pat Gile, LSR, w/ fee of \$16.50, filed.k	

CIVIL DOCKET CONTINUATION SHEET

PLAINTIFF		DEFENDANT	DOCKET NO. _____
			PAGE ____ OF ____ PAGES
DATE 1978	NR.	PROCEEDINGS	
2-23	MO	Case set for pre-trial hrg. before the Mag. on 3-6-78 at 2:00 p.m. (RSR-Mag)k ntc by KT	
3-3	MO	Pre-trial hrg. before the Mag. set for 3-6-78 at 2:00 p.m. is stricken & reset on 3-20-78. (RSR-Mag)k ntc by KT	
3-9	MO:	Case set for pre-trial before Mag. Rizley on 3-20-78, at 2:00 P.M. (RSR-Mag) b nts by KT	
3-20		Case called for pre-trial hearing befor Mag. Rizley. Parties present. Pre-trial held. Parties agreed to have case referred to Magistrate for non-jury trial to be submitted on depositions, stipulations and other evidence. Pltf. to file trial brief w/in 30 days. Deft. granted 20 days thereafter to file trial brief. Deft. given 10 days thereafter to reply. (RSR-Mag) b	
3-23	MO:	Upon the agreement of parties, IT IS ORDERED that this case be referred to Robert Rizley, U.S. Magistrate, for non-jury trial, pursuant to M-128 and T. 28 U.S.C. Sec. 636 et seq. (AEB-J)b nts mld	
4-18	43	Pltf. trial brief, fld. ho	
5-8	MO	Deft. is granted an additional 10 days to respond to pltf's trial brief. (RSR-Mag)k ntc by KT	
5-19	44	Deft's reply to pltf's trial brief, filed.k	
6-9	MO	Case set for oral argument & decision before the Mag. on 6-23-78 at 2:00 p.m. (RSR-Mag)k ntc by KT	
6-23	MO	Upon request of deft. & w/ concurrence by pltf., oral argument & decision before the Mag. set for 2:00 p.m. is stricken, to be reset on 7-17-78. (RSR-Mag)k	
6-27	MO	Case set for oral argument and decision before the Mag. on 7-17-78 at 3:30 p.m. (RSR-Mag)k ntc by KT	
7-17		Case called for oral argument & decision. Parties present. Pltf. granted 10 days to supplement brief and Deft. granted 5 days to respond. Matter taken under advisement. (RSR-Mag) b	
7-26	44	Pltf. mot. for ext. of time to file additional evidence & brief in supp. thereof, fld. ho 0 to Mag. by atty.	
7-26	45	Order, fld. It is ordered that the ext. of time requested to file detail of evidence & brief in supp. is extended to 8-4-78, No more ext. will be granted. (RSR-Mag)ho c/m to movant.	
8-2	46	Pltf. summary of evidence, fld. ho	
8-14	MO	Deft. is granted until 8-21-78 to respond to pltf's summary of evidence. (RSR-Mag)k ntc by KT	
8-21	MO	Upon request, deft. is granted until 8-25-78 to respond to pltf's summary of evidence. (RSR-Mag)k ntc by RR	
8-28	47.	Deft's response to pltf's summary of evidence, filed.k	
10-30	MO	Mag. recommends that the Court enter judgment for deft. and against pltf. Deft. counsel to prepare F/F and C/L w/in 10 days. (RSR-Mag)k	
11-27	48	Findings of Fact, Conclusions of Law & Recommendation of the Mag., filed. Mag. recommends judgment for deft. plus costs. (RSR-Mag)k cps mld	

cps by KT

CIVIL DOCKET CONTINUATION SHEET

FPI-MAR

PLAINTIFF David Marrs	DEFENDANT Lake Country Beverage, Inc.	DOCKET NO. _____ PAGE <u>7</u> OF <u>4</u> PAGES
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DATE 1979	NR.	PROCEEDINGS
1-17	49	F/F, C/L and Order, filed, that Judgment be entered in favor of deft. w/ costs. (AEB-J)k cps mld
1-17	50	Judgment in favor of deft. & against pltf., filed & entered. Deft. to recovery its costs. (AEB-J)k cps mld
1980		
8-5	--	DEPOSITIONS returned to defts counsel.mm

CIVIL DOCKET CONTINUATION SHEET

FPI-MAR

PLAINTIFF	DEFENDANT	DOCKET NO. _____ PAGE ____ OF ____ PAGES
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DATE	NR.	PROCEEDINGS
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DC-111A REV. (1/75)